

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL GUNDERSON,

Defendant.

CR 99-123-BLG-SPW

ORDER DENYING MOTION FOR
EARLY TERMINATION OF
SUPERVISED RELEASE

On December 7, 2020, Defendant Gunderson, through counsel, filed a motion seeking termination of his remaining term of supervised release. (Doc. 110). Gunderson was initially sentenced to 120 months of supervision following his release from incarceration. (Doc. 61). He began supervision on September 12, 2012. (Doc. 110 at 2). Gunderson completed just shy of 60 months of his supervision before he was revoked on September 1, 2017 and was sentenced to a custodial sentence of eight (8) months for five violations of his conditions, with 112 months of supervision to follow. (Doc. 105).

The United States objects to the early termination of Gunderson's release. (Doc. 112). Defendant's supervising Probation Officer, Kendall Ridgely, also objects on the grounds that Gunderson has yet to complete 50% of his term of supervision. (Doc. 110 at 6).

The Court appreciates the progress Gunderson has made since being placed

on supervised release in reintegrating in the community and positive strides toward compliance with all his conditions. However, Defendant's supervision recommenced upon his revocation and he has only completed 33 months of the 112 months required. The Court is cautious of Gunderson's request at such a stage in his supervised term and is not convinced that such an action is both "warranted by the conduct of the defendant" and in service of "the interest of justice." 18 U.S.C. § 3583(e)(1). The Court does not want to discourage Gunderson from continuing his current path, but Gunderson does not present either a record of exceptional success on supervision or truly compelling reasons supporting early release from supervision. Defendant's current path is commendable; however it is not sufficient to warrant early termination with 79 months remaining.

Accordingly, IT IS HEREBY ORDERED that Gunderson's motion for early termination of supervised release (Doc. 110) is DENIED.

DATED this 26th day of January, 2021.



Susan P. Watters
United States District Court